

**Before the  
Federal Communications Commission  
Washington, D.C.**

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**JUN 17 1996**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

In the Matter of )

The Developmental of Operational, )  
Technical, and Spectrum Requirements )  
for Meeting Federal, State and Local )  
Public Safety Agency Communications )  
Requirements Through the Year 2010 )

WT Docket 96-86

**DOCKET FILE COPY ORIGINAL**

**COMMENTS OF THE  
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA")<sup>1</sup> hereby submits its Comments to the Petition for Rule Making filed by National Communications System in the above-captioned proceeding.<sup>2</sup>

On October 19, 1995, the National Communications System ("NCS"), through the Secretary of Defense as the Executive Agent of the NCS, filed a Petition for Rule Making requesting the Commission to adopt rules to permit carriers

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<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including cellular, personal communications services, enhanced specialized mobile radio, and mobile satellite services.

<sup>2</sup> The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Notice of Proposed Rule Making in WT Docket 96-86, FCC 96-115 (released Apr. 10, 1996).

to provide, on a voluntary basis, "priority access" to cellular spectrum for National Security/Emergency Preparedness ("NS/EP") responsiveness. Specifically, the NCS Petition requests that the Commission establish the Cellular Priority Access Service ("CPAS").<sup>3</sup> On April 18, 1996, the Commission issued a Public Notice seeking comment on the NCS Petition.<sup>4</sup>

The NCS Petition is summarized in the Public Notice. In brief, the NCS contends that priority access to cellular spectrum is essential for conducting response and recovery efforts by those with NS/EP responsibilities.<sup>5</sup> The NCS also maintains that Commission action is needed to ensure the creation of one uniform nationwide priority access system.

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<sup>3</sup> In the Matter of Cellular Priority Access for National Security and Emergency Preparedness Telecommunications, Petition for Rule Making, filed October 15, 1995 ("NCS Petition").

<sup>4</sup> Federal Communications Commission ("FCC") Public Notice, Commission Seeks Comment on Petition for Rule Making Filed by National Communications System, WT Docket 96-86, DA 96-604 (rel. Apr. 18, 1996) ("Public Notice"). On May 31, 1996, the Commission extended the filing date for Comments and Replies to June 17, 1996, and July 16, 1996, respectively. See FCC Public Notice, Filing Date Extended for Comments and Replies on Petition for Rule Making Filed by National Communications System, WT Docket 96-86, DA 96-884 (rel. May 31, 1996).

<sup>5</sup> The term "priority access" as used by the NCS means that in emergencies, authorized priority users would gain access to the cellular channels before cellular telephone users who are not engaged in NS/EP functions.

CTIA has actively supported the NCS in its efforts to develop a voluntary priority access system for those NS/EP personnel who increasingly rely on wireless services, and CTIA urges the Commission to initiate a formal rule making that will develop a full record on the merits of the NCS proposal, and the difficult -- but not impossible -- policy issues it raises. Such a rule making should address both the rules proposed by the NCS Petition, as well as several important issues on which the NCS Petition is silent.

First, it is important to underscore the fact that cellular (and soon PCS) carriers are responsive to the needs of NS/EP personnel, and volunteer their equipment and services in times of need. However, as the NCS Petition notes, the prohibition against unlawful discrimination or undue preferences set forth in Sections 201 and 202 of the Communications Act, as well as wireless carriers' existing contractual responsibilities with their customers, may act as an impediment to widespread establishment of a priority access system in advance of an actual emergency.<sup>6</sup>

Therefore, the Commission should proceed to the next step by

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<sup>6</sup> Moreover, because the proposed CPAS differs from the existing landline Telecommunications Services Priority ("TSP") rules set forth in Part 64 of the Commission's Rules, the current TSP rules could not govern cellular and PCS priority access. See NCS Petition at 3.

issuing a Notice of Proposed Rule Making on the issues raised by the NCS Petition.

The Commission should broaden the NCS Petition to insure that consideration is given to applying the proposed CPAS rules to all CMRS services, not just cellular. The NCS Petition notes that "[t]he Commission could decide to make these rules applicable to all wireless service providers which are able and willing to provide priority access for NS/EP telecommunications and avoid a potential future rule making proceeding."<sup>7</sup> CTIA believes that the Commission should broaden the NCS Petition and seek comment on a priority access service for all CMRS services.

Like the NCS, CTIA believes that a carrier's participation in a priority access system must be voluntary.<sup>8</sup> The NCS Petition's emphasis on the need for universal applicability of a wireless priority access system relies on voluntary carrier participation. The need for a federal mandate is focused on eliminating inconsistent state rules that could create conflicting priorities for an inseverable service or facility that would confuse and impede the administration of an orderly, responsive national

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<sup>7</sup> NCS Petition at 3, n. 4.

<sup>8</sup> See NCS Petition at 11. See also Proposed Part 64 Rules, attached to NCS Petition as Appendix B, at 3.

system.<sup>9</sup> The Commission's proposed rules explicitly should acknowledge that carriers' participation in a priority access system is voluntary, but that inconsistent state rules are preempted.

In addition, the NCS Petition recognizes that industry technical standards for cellular priority access are still in the development stage and only recently have been addressed. As a result, no service provider currently is able to provide inter-system cellular priority access service. The NCS Petition correctly notes that the Telecommunications Industry Association's TR 45 Engineering Committee is addressing the priority access issue in its standards development work.<sup>10</sup> The latest version of TR 45's IS-53 (Revision A) standard for Cellular Features has a service called Priority Access and Channel Assignment ("PACA"). PACA will provide the capabilities carriers require to implement a priority access system like that proposed by the NCS Petition.<sup>11</sup> However, this will require IS-41 Rev. C for intersystem interoperability (i.e.,

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<sup>9</sup> See NCS Petition at 7-8. See also National Security Emergency Preparedness Telecommunications Services Priority System, 3 FCC Rcd. 6650, 6652 (1988) ("TSP Report and Order").

<sup>10</sup> NCS Petition at 5.

<sup>11</sup> A copy of the PACA service description is attached hereto as Appendix A.

roaming) and a new type of PACA compatible phone. The Commission should seek additional comment on the implementation schedule for the PACA feature and its interoperability with IS-41 Rev.C. While the NCS Petition suggests that carriers should be able to provide cellular priority access service "by 1997",<sup>12</sup> CTIA believes that this is an extremely optimistic date, given the lead time required by manufacturers (and their carrier customers) to turn industry standards into products and services.

The NCS Petition also raises the issue of service providers' potential liability arising from CPAS operations.<sup>13</sup> While the NCS believes that the Commission adequately addressed this issue in the TSP Report and Order,<sup>14</sup> the Commission should seek comment on this issue, particularly in view of the many new entrants since the Commission's adoption of the TSP Report and Order in 1988.

Finally, the Commission must determine who will establish the priority scheme, and how to balance the priorities needed by those with NS/EP responsibilities against the need for ordinary wireless customers to access CMRS channels in order to communicate, using both 911 service and non-abbreviated dialing, with dispatch centers

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<sup>12</sup> NCS Petition at 5.

<sup>13</sup> NCS Petition at 10.

<sup>14</sup> See TSP Report and Order, 3 FCC Rcd at 6658.

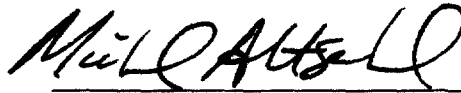
and emergency services workers. The NCS Petition acknowledges that this is an important issue, but leaves to the Commission the crucial work of balancing federal and state interests, and NS/EP needs against the needs of wireless customers to reach Public Safety Answering Points, especially in times of widespread emergencies when the NS/EP priorities presumably would be triggered. While the CPAS standard is flexible enough to support a priority for both 911 calls and NS/EP needs, the Commission must indicate to both the NCS and the wireless industry how it intends to balance these potentially conflicting interests.<sup>15</sup>

For the reasons set forth above, CTIA urges the Commission to the Commission to initiate a formal rule making that will develop a full record on the merits of the NCS proposal, and the important policy issues that must be addressed.

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<sup>15</sup> For example, which users, if any, have priority over 911 calls; who assigns state and federal priorities and who decides which users have the highest priority. Furthermore, in the competitive and unregulated wireless industry, how will carriers establish charges for priority access service offered to federal and state agencies.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Altschul". The signature is fluid and cursive, with the first name "Michael" and last name "Altschul" clearly distinguishable.

Michael F. Altschul  
Vice President and General Counsel

Randall S. Coleman  
Vice President, Regulatory Policy & Law

Andrea D. Williams  
Assistant General Counsel

Cellular Telecommunications  
Industry Association  
1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

June 17, 1996



**ATTACHMENT A**

When a call is placed to a PCA-active subscriber, the call is routed to an announcement requesting the calling party to enter the PCA subscriber's password. The call shall be allowed to terminate to the subscriber only if the calling party enters the correct password. If an incorrect password is entered, the call shall be given call refusal treatment. Calls so refused may optionally be logged.

PCA does not impact a subscriber's ability to originate calls.

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### **Preferred Language (PL)**

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Preferred Language (PL) provides the subscriber the ability to specify the language for network services.

This service allows the subscriber to specify service in English, Spanish, French, and several other languages. Provision will be made for additional languages in the future.

If the subscriber's preferred language is not available, service shall be provided in the "default" language(s), which shall be determined by the cellular network operator.

PL does not impact a subscriber's ability to originate calls or to receive calls.

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### **Priority Access and Channel Assignment (PACA)**

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Priority Access and Channel Assignment (PACA) allows a subscriber to have priority access to voice or traffic channels on call origination.

This feature permits a subscriber to obtain priority access to voice or traffic channels by queuing these subscribers' originating calls when channels are not available. When a channel becomes available, the queued subscriber is served on a first come first served and a priority basis.

The subscriber is assigned one of three priority levels at subscription time. Priority levels are defined as A, B, and C, with A being the highest priority level and C being the lowest priority level.

The invocation of PACA is determined by subscription to one of two options: Permanent or Demand. In the Permanent option the feature is always available and is used automatically whenever the subscriber attempts to originate a call. In the Demand option the feature is available only on request. The subscriber requests PACA by using a feature code with an origination request.

At the serving system's option, calls to certain telephone numbers (such as, 911, police, or fire) may automatically be designated as a priority access. This designation is independent of the subscriber's service profile and may be assigned an independent priority level.

PACA does not impact a subscriber's normal ability to originate calls or to receive calls.

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### **Remote Feature Control (RFC)**

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Remote Feature Control (RFC) permits a calling party to call a special RFC directory number, identify itself as an authorized subscriber with a mobile directory number and Personal Identification Number (PIN), and to specify feature operations via one or more feature code strings. This service is accessible from any mobile or landline station capable of sending DTMF digits.

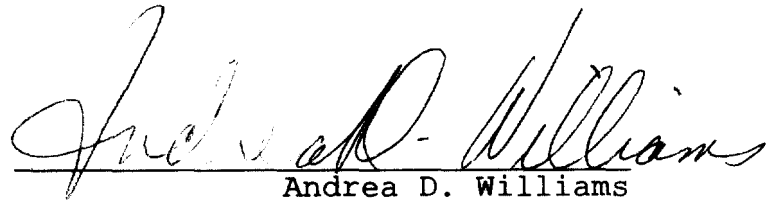
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**CERTIFICATE OF SERVICE**

I, Andrea D. Williams, hereby certify that on this 17th day of June, 1995, copies of the foregoing Comments of the Cellular Telecommunications Industry Association were served by hand delivery upon the following parties:

Mr. William Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

International Transcript Service  
1919 M Street, N.W., Room 246  
Washington, D.C. 20554

A handwritten signature in cursive script, reading "Andrea D. Williams", written over a horizontal line.

Andrea D. Williams  
Assistant General Counsel